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| 10/743,358   | 12/22/2003  | Randy Zimler         | 01098               | 9330             |
| 38516 7590 12/29/2010<br>AT&T Legal Department - SZ<br>Attn: Patent Docketing<br>Room 2A-207<br>One AT&T Way<br>Bedminster, NJ 07921 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| LOO, JUVENA W  |             |                      |                     |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/743,358

**Applicant(s)**

ZIMLER ET AL.

**Examiner**

JUVENA LOO

**Art Unit**

2473

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of Application No. 11/223604. Although the conflicting claims are not identical, they are not patentably distinct from each other.

|    | Application Number: 10/743358  | Application Number: 11/223604   |
|----|--|---|
| a. | 1. A method of providing communications services, comprising:  | 1 A method of providing communications services, comprising:                                    |
| b. | receiving a request for communications service from the residential gateway in the subscriber's premises;                | receiving a request for data from a residential gateway in a customer's premises;               |
| c. | logically bonding and physically connecting a first physical medium to a residential gateway in a subscriber's premises; | logically bonding and physically connecting a first physical medium to the residential gateway; |
| d. | physically connecting a second physical medium to the residential gateway;   | physically connecting a second physical medium to the residential gateway;                      |
| e. | physically connecting the second physical medium to another residential  | physically connecting and sharing the second physical medium to multiple                        |

|           |  |   |
|-----------|--|---|
|           | <i>gateway in another subscriber's premises;<br/>sharing the second physical medium amongst the subscriber's premises and the another subscriber's premises;</i>   | <i>residential gateways in other customer's premises to provide additional bandwidth to any one of the multiple residential gateways when required;</i> |
| <i>f.</i> | <i>when the request communications service exceeds an available bandwidth of the first physical medium, then temporarily dedicating and logically bonding the second physical medium to the residential gateway in the subscriber's premises to provide additional bandwidth, such that first physical medium and the second physical medium share a session of information.</i> | <i>temporarily dedicating and logically bonding the second physical medium to the residential gateway;</i>  |
| <i>g.</i> | <i>providing communications service via first physical medium and the second physical medium;</i>  | <i>providing the data via the first physical medium and the second physical medium to the residential gateway;</i>                                      |
| <i>h.</i> |  | <i>determining that the request for data exceeds a combined maximum bit rate for the first physical medium and the second physical medium;</i>          |
| <i>i.</i> |  | <i>invoking a feedback mechanism that prompts the residential gateway to select other content;</i>  |
| <i>j.</i> | <i>reverting the second physical medium</i>  | <i>reverting the second physical medium</i>   |

|  |                                   |   |
|--|-----------------------------------|---|
|  | <i>to a shared configuration.</i> | <i>to a shared configuration when the additional bandwidth is no longer needed to allow another residential gateway to receive increased bandwidth.</i> |
|--|-----------------------------------|---|

Regarding claim 1, Application number 10/743358, discloses claimed limitations (items a, b, c, d, e, f, g, and j), has a broader scope of Application number 11/223604 with listed claimed limitations above (items a, b, c, d, e, f, g, h, i, and j).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claim 15 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of Application No. 11/223604. Although the conflicting claims are not identical, they are not patentably distinct from each other.

|    |  |  |
|----|--|--|
|    | Application Number: 10/743358                                  | Application Number: 11/223604                                |
| a. | 15. A method of providing communications services, comprising: | 1 A method of providing communications services, comprising: |

|    |   |   |
|----|---|---|
| b. | <i>receiving a request for communications service from a residential gateway in the customer's premises;</i>  | <i>receiving a request for data from a residential gateway in a customer's premises;</i>  |
| c. | <i>physically connecting and logically bonding a first physical medium to the residential gateway;</i>  | <i>logically bonding and physically connecting a first physical medium to the residential gateway;</i>  |
| d. | <i>physically connecting a second physical medium to the residential gateway;</i>   | <i>physically connecting a second physical medium to the residential gateway;</i>   |
| e. | <i>temporarily dedicating and logically bonding the second physical medium to the residential gateway, the second physical medium being dynamically dedicated and shared amongst multiple residential gateways to provide additional bandwidth when required;</i> | <i>physically connecting and sharing the second physical medium to multiple residential gateways in other customer's premises to provide additional bandwidth to any one of the multiple residential gateways when required;<br/><br/>temporarily dedicating and logically bonding the second physical medium to the residential gateway;</i> |
| f. | <i>providing the requested communications service via the first physical medium and the second physical medium;</i>   | <i>providing the data via the first physical medium and the second physical medium to the residential gateway;</i>  |
| g. |   | <i>determining that the request for data exceeds a combined maximum bit rate for the first physical medium and the second physical medium;</i>  |
| h. |   | <i>invoking a feedback mechanism that prompts the residential gateway to</i>  |

|           |  |  |
|-----------|--|--|
|           |  | <i>select other content;</i>   |
| <i>i.</i> | <i>when the additional bandwidth is no longer needed, reverting the second physical medium to a shared configuration, thus allowing the another residential gateway to receive increased bandwidth when required</i> | <i>reverting the second physical medium to a shared configuration when the additional bandwidth is no longer needed to allow another residential gateway to receive increased bandwidth.</i> |

Regarding claim 15, Application number 10/743358, discloses claimed limitations (items a, b, c, d, e, f, and i), has a broader scope of Application number 11/223604 with listed claimed limitations above (items a, b, c, d, e, f, g, h, and i).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States



only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Grant et al. (US 7,142,503 B1).

Regarding claim 1, Grant discloses a communication system supports the provision of a plurality of dedicated communication resources comprising the features:

*a method of providing communications services, comprising:*

*logically bonding and physically connecting a first physical medium to a residential gateway in a subscriber's premises* (Grant: see Figure 1 and column 6, line 50 – column 7, line 8; see also column 7, lines 48 - 64; each serviceable location (household or office environment) 14 – 28 including a home-gateways or XDSL modem is connected to network 12; see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3) );

*physically connecting a second physical medium to the residential gateway in a subscriber's premises* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also various serviceable location can be linked with other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN); see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred

configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3));

*physically connecting the second physical medium to another residential gateway in another subscriber's premises* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN); see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3));

*sharing the second physical medium amongst the subscriber's premises and the another subscriber's premises* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN));

*receiving a request for communications service from the residential gateway in the subscriber's premises* (Grant: see Figure 4 steps 204 – 206 and column 11, lines 6 – 7);

*when the request communications service exceeds an available bandwidth of the first physical medium, then temporarily dedicating and logically bonding the second physical medium to the residential gateway in the subscriber's premises to provide*

*additional bandwidth, such that first physical medium and the second physical medium share a session of information* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 - 54);

*providing communications service via the first physical medium and the second physical medium* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 - 64); and

*when the additional bandwidth is no longer needed, removing a logical bond between the temporary dedicated and logical bonding of the second physical medium* (Grant: see Figure 4 and column 11, lines 1 – 26; see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3)); and

*reverting the second physical medium to a shared configuration* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 - 64).

Regarding claim 2, Grant further discloses the feature comprising:

*wherein logically bonding the first physical medium comprises logically bonding a twisted pair* (Grant: see column 7, lines 9 – 12).

Regarding claim 3, Grant further discloses the feature comprising:

*wherein logically bonding the first physical medium comprises logically bonding a coaxial cable* (Grant: see column 6, line 60 – column 7, line 12).

Regarding claim 4, Grant further discloses the feature comprising:

*wherein logically bonding the first physical medium comprises logically bonding a fiber optic cable* (Grant: see column 6, line 60 – column 7, line 12).

Regarding claim 5, Grant further discloses the feature comprising:

*wherein providing the requested communications service comprises transmitting signals via at least one of i) a combination of a twisted pair and a coaxial cable, ii) a combination of a twisted pair and a fiber optic cable, and iii) a combination of a coaxial cable and a fiber optic cable* (Grant: see column 6, line 60 – column 7, line 12).

Regarding claim 6, Grant further discloses the feature comprising:

*further comprising temporarily dedicating and logically bonding additional physical media to the residential gateway, each additional physical media dynamically shared with the another residential gateway to provide additional bandwidth* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 - 64).

Regarding claim 7, Grant further discloses the feature comprising:

*wherein providing the requested communications service comprises transmitting signals via a shared twisted pair* (Grant: see Figure 1 and column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 7, lines 9 – 12; each serviceable location (household or office environment) 14 – 28 including a home-gateways or XDSL modem is connected to network 12).

Regarding claim 8, Grant further discloses the feature comprising:

*further comprising temporarily dedicating and logically bonding n physical media to the residential gateway, such that first physical medium and the n physical media share the same session of information* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 – 64; there can be more than one secondary paths through the virtual neighborhood network (VNN) to provide the additional resources required).

Regarding claim 9, Grant discloses a communication system supports the provision of a plurality of dedicated communication resources comprising the features:

*a method of providing communications services, comprising:*

*physically connecting a first twisted pair to provide Digital Subscriber Line service to a residential gateway in a subscriber's premises* (Grant: see Figure 1 and column 6, line 50 – column 7, line 8; see also column 7, lines 48 - 64; see also column 7, lines 9 – 12; each serviceable location (household or office environment) 14 – 28 including a home-gateways or XDSL modem is connected to network 12; see also Figure 3 and

column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3));

*physical connecting a second twisted pair to the residential gateway and to another residential gateway in another subscriber's premises for shared Digital Subscriber Line service amongst the residential gateway and the another residential gateway* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN); see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3));

*receiving a request for communications service from the residential gateway* (Grant: see Figure 4 steps 204 – 206 and column 11, lines 6 – 7);

*transmitting digital subscriber line signals to the residential gateway via the first twisted pair* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 - 54);

*when the request for communications service exceeds an available bandwidth of the first twisted pair, then temporarily dedicating and logically bonding the second twisted pair to the residential gateway to provide additional bandwidth* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 - 54);

*providing communications service via the first twisted pair and the second twisted pair* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 - 64);  
*and*

*when the additional bandwidth is not needed, removing a logical bond between the second twisted pair and the residential gateway* (Grant: see Figure 4 and column 11, lines 1 – 26; see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3)); *and*

*reverting the second twisted pair to a shared configuration, thus allowing the another residential gateway in the another subscriber's premises to receive increased bandwidth when required* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 - 64).

Regarding claim 10, Grant further discloses the feature comprising:

*further comprising sharing the same session of information* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN)).

Regarding claim 11, Grant further discloses the feature comprising:

*further comprising sharing a session of information between first twisted pair and the second twisted pair* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN)).

Regarding claim 12, Grant further discloses the feature comprising:

*further comprising transmitting the digital subscriber line signals to the residential gateway via a third dedicated twisted pair, the third dedicated twisted pair shared amongst the residential gateway in the subscriber's premises and the another residential gateway in the another subscriber's premises, the third twisted pair providing more additional bandwidth* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 – 64; there can be more than one secondary paths through the virtual neighborhood network (VNN) to provide the additional resources required).

Regarding claim 13, Grant further discloses the feature comprising:

*further comprising instructing a network device to logically bond the second twisted pair and the first twisted pair* (Grant: see column 4, lines 52 - 64).

Regarding claim 14, Grant further discloses the feature comprising:



*further comprising dedicating and logically bonding  $n$  twisted pairs to the first twisted pair when transmitting the digital subscriber line signals to the –residential gateway, such that first twisted pair and the  $n$  twisted pairs share the same session of information* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 – 64; there can be more than one secondary paths through the virtual neighborhood network (VNN) to provide the additional resources required).

Regarding claim 15, Grant discloses a communication system supports the provision of a plurality of dedicated communication resources comprising the features:

*a method of providing communications services, comprising:*

*receiving a request for communications services from a residential gateway in a customer's premises* (Grant: see Figure 4 steps 204 – 206 and column 11, lines 6 – 7);

*physically connecting and logically bonding a first physical medium to the residential gateway* (Grant: see Figure 1 and column 6, line 50 – column 7, line 8; see also column 7, lines 48 - 64; each serviceable location (household or office environment) 14 – 28 including a home-gateways or XDSL modem is connected to network 12; see also Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3));

*physically connecting a second physical medium to the residential gateway* (Grant: see Figure 3 and column 10, lines 4 – 26 & column 12, lines 21 - 32; the

preferred configuration of the network utilizes direct physical forms of connection among gateways (which can be viewed as routers as shown in Figure 3). In other words, there are physical connections to other gateways);

*temporarily dedicating and logically bonding a second physical medium to the residential gateway, the second physical medium being dynamically dedicated and shared amongst multiple residential gateways to provide additional bandwidth when required* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN));

*providing the requested communications services via the first physical medium and the second physical medium* (Grant: see Figures 1 and 3; column 6, line 50 – column 7, line 8; see also column 7, lines 48 – 64; see also column 8, lines 3 – 22 and lines 36 – 45; see also Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; various serviceable location can be linked other gateways in the neighborhood via links through cable or coax) to form a virtual neighborhood network (VNN)); and

*when the additional bandwidth is no longer needed, reverting the second physical medium to a shared configuration, thus allowing another residential gateway to receive increased bandwidth when required* (Grant: see Figure 4 and column 11, lines 1 – 26; see also column 13, lines 35 – 54; see also Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 - 64).

***Response to Arguments***

4. Applicant's arguments filed October 08, 2010 have been fully considered but they are not persuasive.

5. Applicants argued that Grant does not anticipate features, regarding amended claims 1, 9, and 15, comprising "physically connecting a first physical medium to a residential gateway," "physically connecting a second physical medium to the residential gateway," and "physically connecting the second physical medium to another residential gateway in another subscriber's premises".

In response, the Examiner respectfully disagrees. Grant discloses a communication system supports the provision of a plurality of dedicated communication resources. These resources support broadband interconnection between the dedicated home gateways allowing and providing increased bandwidth, between gateways and access network, in uplink and/or downlink directions. The links among network and various gateway, as Grant has pointed out, is to utilize wireline (copper-drop); although an RF LAN can be used as an alternative (Grant: see Figure 3 and column 10, lines 4 – 26; see also column 4, lines 53 – 64; see also column 12, lines 21 - 32). Therefore, Grant discloses the features comprising "physically connecting a first physical medium to a residential gateway," "physically connecting a second physical medium to the residential gateway," and "physically connecting the second physical medium to another residential gateway in another subscriber's premises". In other words, Grant discloses that there are physical paths among access network and gateways (Grant: Figure 3, physical

paths between Router and Router C, Router and Router B, Router and Router A) as well as physical/logical paths among gateways (Grant: Figure 3, Multiple-hop A-B-C, physical paths between Router C and Router B, Router B and Router A, Router A and Router C).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUVENA LOO whose telephone number is (571)270-1974. The examiner can normally be reached on Monday - Friday: 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JUVENA LOO  
Examiner  
Art Unit 2473  
December 10, 2010

/KWANG B. YAO/

Supervisory Patent Examiner, Art Unit 2473